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Attorneys for Plaintiff
SONJA ALVAREZ

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SALVADOR SILVA, DECEASED, by and through)
his Successor in Interest, SONJA ALVAREZ,)
SONJA ALVAREZ, Individually,)

Plaintiff,

vs.

SAN JOAQUIN COUNTY, a public entity; SAN)
JOAQUIN COUNTY SHERIFF-CORONER)
PATRICK WITHROW, in his individual and official)
capacities; ROBERT HART, M.D.; FOZIA NAR,)
L.V.N.; MARY CEDANA, R.N.; SARAI)
HARDWICK, L.V.N.; CYNTHIA BORGES-)
ODELL, MFT; NICHOLE WARREN, P.T.;)
MANUEL RODRIGUEZ-GALAVIZ, MFT;)
MARICEL MAGAOAY, L.V.N.; MANDEEP)
KAUR, R.N.; CHERYL EVANS, A.S.W.;)
CHRISTEL BACKERT, FNP; ROBYN MENDOZA,)
NP, and DOES 1–20; individually, jointly, and)
severally,)

Defendants.

Case No. 2:20-cv-01461-JAM-KJN

**STIPULATION AND ORDER TO
MODIFY SCHEDULING ORDER
(ECF Nos. 10, 21, 25)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify its October 19, 2022, and earlier Scheduling Orders (ECF Nos. 10, 21, and 25). Good cause
3 exists to grant the requested extension:
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5 1. This is a civil rights, wrongful death, and survival action arising from the suicide of
6 pretrial detainee, Salvador Silva, on August 1, 2019, at the San Joaquin County jail. This is the
7 parties' third request for a continuance. The parties only initially requested a continuance related to
8 expert disclosures and expert discovery. Following the Court's guidance, the parties stipulated to
9 modify the scheduling order in accordance with the proposed schedule provided by the Court, with
10 slight modifications.

11 2. This case involves thirteen named Defendants. The parties have exchanged
12 voluminous written discovery and have resolved several discovery disputes by extensively meeting
13 and conferring. The parties had to postpone Defendant Robert Hart, MD's deposition in Seattle,
14 Washington, which was scheduled for February 16, 2023, due to a death in Plaintiff's counsel's
15 family that requires them to fly to Detroit, Michigan, for a funeral. [Plaintiff's counsel, Michael J.
16 Haddad and Julia Sherwin, are married].
17

18 3. Due to counsels' conflicting trial and trial preparation schedules, two Defendants'
19 inability to travel for their depositions, time limitations on Defendants' depositions created by their
20 work schedules and illnesses of some of them and their family members, and the above-referenced
21 death in the family of Plaintiff's counsel, the parties had difficulty completing noticed depositions
22 in this matter. The parties have completed ten depositions so far, and have Rule 30(b)(6)
23 depositions scheduled for next week after Plaintiff's counsel returns from the funeral in Detroit.
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25 4. Once the depositions are completed, the parties' experts need time to review the
26 transcripts in order to prepare their reports.
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5. Additionally, Plaintiff's counsel's small law firm has had repeated COVID-19 infections among some of its staff, while completing voluminous fact and expert discovery, and dispositive motions, in several other cases, all of which are complex wrongful death or catastrophic injury cases. Two of those cases, *Johnson v. Shasta County, et al.* (E.D. Cal. 2:19-cv-01722-JAM-DB), and *Barbosa v. Shasta County, et al.* (E.D. Cal. 2:20-cv-02298-JAM-DMC), are before this Court.

6. The parties are represented by experienced counsel who have worked cooperatively together throughout this litigation and will continue to do so.

7. Having consulted with the Court, and following its guidance about available dates, the parties therefore request a continuance of the deadlines, as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures	April 14, 2023	June 9, 2023
Rebuttal Expert Disclosures	May 5, 2023	July 7, 2023
Joint Mid-Litigation Statement (two weeks before discovery cutoff)	June 2, 2023	July 28, 2023
Expert Discovery Cutoff	June 16, 2023	August 11, 2023
Fact Discovery Cutoff	June 16, 2023	August 11, 2023
Dispositive Motion Filing	July 7, 2023	August 18, 2023
Dispositive Motion Hearing	September 12, 2023, at 1:30 p.m.	October 17, 2023 at 1:30 p.m.
Final Pretrial Conference	October 27, 2023, at 10:00 a.m.	December 15, 2023 at 11:00 a.m.
Trial	December 4, 2023, at 9:00 a.m.	January 29, 2024, at 9:00 a.m.

1 For the foregoing reasons, the parties respectfully request that this Court enter an order
2 extending the Scheduling Order in this case as set forth above.

3
4 Dated: February 16, 2023

HADDAD & SHERWIN LLP

5
6 */s/ Julia Sherwin*

7 JULIA SHERWIN
8 Attorneys for Plaintiff

9 Dated: February 16, 2023

BURKE, WILLIAMS & SORENSON, LLP

10
11 */s/ Gregory R. Aker*

12 GREGORY R. Aker
13 Attorneys for Defendants
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ORDER

Based on the parties' stipulation, and with good cause appearing,

IT IS HEREBY ORDERED that the Pretrial Scheduling Order (ECF Nos. 10, 21, 25) is modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures	April 14, 2023	June 9, 2023
Rebuttal Expert Disclosures	May 5, 2023	July 7, 2023
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Trial	December 4, 2023, at 9:00 a.m.	January 29, 2024, at 9:00 a.m.

All other dates will remain the same.

IT IS SO ORDERED.

Dated: February 16, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE